

No. 22-15961

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**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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DONALD J. TRUMP, et al.,  
*Plaintiffs-Appellants,*  
v.

TWITTER, INC. AND JACK DORSEY,  
*Defendants-Appellees.*

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On Appeal from the United States District Court  
for the Northern District of California, No. 3:21-cv-08378-JD (Donato, J.)

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**APPELLEES X CORP. AND JACK DORSEY'S  
UNOPPOSED MOTION TO EXTEND THE BRIEFING SCHEDULE FOR  
APPELLANTS' SUPPLEMENTAL MOTION FOR JUDICIAL NOTICE**

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May 12, 2023

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On May 5, 2023, Appellants Donald J. Trump, American Conservative Union, Rafael Barbosa, Linda Cuadros, Dominick Latella, and Wayne Allyn Root (“Appellants”) filed a supplemental motion for judicial notice (“Motion”). Dkt. 89-1. The Motion seeks judicial notice of approximately 250 pages of exhibits (Dkt. 89-2) that Appellants contend are material to their claims in this case. Whether the exhibits are subject to judicial notice depends in part on the particular ways in which Appellants rely on them in their recently filed Reply Brief and Opposition to Appellees’ Suggestion of Mootness (Dkts. 88, 90), meaning that those filings, too, are pertinent to resolution of the Motion.

Under Federal Rule of Appellate Procedure 27(a)(e), Appellees X Corp.<sup>1</sup> and Jack Dorsey have ten days to respond to Appellees’ motion, up to and including Monday, May 15, 2023. Counsel for Appellees have (or have had) various engagements and deadlines between May 5 and May 15 that will make it challenging to fully respond to Appellants’ motion by the current deadline, including:

- An opposition brief to a motion to dismiss filed on May 8, 2023 in *Doe v. JP Morgan Chase & Co.*, No. 1:22-cv-10019 (S.D.N.Y);

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<sup>1</sup> As indicated in Appellees’ Amended Corporate Disclosure Statement (Dkt. 84) Twitter, Inc. has been merged into X Corp.

- A reply brief in support of a motion for jurisdictional discovery filed on May 9, 2023 in *Meta Platforms, Inc. v. Bright Data Ltd.*, No. 3:23-cv-00077-EMC (N.D. Cal.);
- Oral argument regarding a motion to dismiss on May 11, 2023 in *Loomer v. Meta Platforms, Inc.*, No. 3:22-cv-2646-LB (N.D. Cal.);
- A reply brief due on May 11, 2023 in *Yuga Labs Inc. v. Ryder Ripps*, No. 22-56199 (9th Cir.);
- An opposition to summary judgment due on May 12, 2023 in *Bright Data, Inc. v. Meta Platforms, Inc.*, C.A. No. N23C-01-229 (Sup. Ct. Del.); and
- An opposition brief to a motion for class certification due on May 12, 2023 in *Doe v. JP Morgan Chase & Co.*, No. 1:22-cv-10019 (S.D.N.Y).

Given the volume of materials relevant to the motion and counsels' preexisting, intervening obligations, Appellees move for an extension of seven days, up to and including Monday, May 22, 2023, to respond to the Motion. Appellants consent to this request.

Appellants have requested a three-day extension of their deadline to file a reply in support of the Motion, up to and including June 1, 2023. Appellees consent to this request.

Respectfully submitted,

/s/ Ari Holtzblatt

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of May, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Ari Holtzblatt

Ari Holtzblatt